


Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES, INC.	)	KOOTENAI COUNTY
	)	COEUR D'ALENE AIRPORT'S
For Renewal of Aeronautical Advisory	)	REQUEST FOR PERMISSION
Station WYT9, Coeur d'Alene Airport,	)	TO FILE SUMMARY DECISION
Hayden, Idaho	)	PURSUANT TO
	)	47 USC §1.251(a)(2)
)	
and)	
)	
KOOTENAI COUNTY COEUR)	
D'ALENE AIRPORT)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	
_____)	

COMES NOW, Kootenai County Coeur d'Alene Airport, by and through its attorney of record, John A. Cafferty, Kootenai County Department of Legal Services, pursuant to 47 CFR §1.251(a)(2) and hereby requests permission of the presiding officer to file the attached Motion for Summary Decision.

DATED this 9 day of January, 2003.


John A. Cafferty
Attorney at Law for Kootenai County
Coeur d'Alene Airport
P. O. Box 9000/LS
Coeur d'Alene, ID 83816-9000
FAX (208) 446-1621

CERTIFICATE OF SERVICE

I HEREBY certify that on this 9 day of January, 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

☐ U.S. Mail
☐ HAND DELIVERED
☐ OVERNIGHT MAIL
☒ TELEFAX (FAX)

SCOTT REED
ATTORNEY AT LAW
P. O. BOX A
COEUR D'ALENE, ID 83816
FAX: (208) 765-5117

☐ U.S. Mail
☐ HAND DELIVERED
☐ OVERNIGHT MAIL
☒ TELEFAX (FAX)

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION FEDERAL
COMMUNICATIONS COMMISSION
445 12TH STREET S. W. - ROOM 3-B443
WASHINGTON, D. C. 20554
FAX (202) 418-2644

☐ U.S. Mail
☐ HAND DELIVERED
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☒ TELEFAX (FAX)

ADMINISTRATIVE LAW JUDGE ARTHUR I. STEINBERG
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, S.W., ROOM 1-C861
WASHINGTON, D.C. 20054
FAX (202) 418-0195

By:


John A. Cafferty

Attorney for Kootenai County Coeur d'Alene Airport

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES, INC.	)	KOOTENAI COUNTY
	)	COEUR D'ALENE AIRPORT
For Renewal of Aeronautical Advisory)	
Station WYT9, Coeur d'Alene Airport,	)	MOTION FOR
Hayden, Idaho	)	SUMMARY DECISION
)	
and)	
)	
KOOTENAI COUNTY COEUR)	
D'ALENE AIRPORT)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	
_____)	

COMES NOW, Kootenai County Coeur d'Alene Airport, by and through its attorney of record, John A. Cafferty, Kootenai County Department of Legal Services, pursuant to 47 CFR §1.251 and hereby moves this tribunal for its Order of Summary Decision and dismissal of the Application of Resort Aviation Services, Inc.

Summary Decision is appropriate in this case as there are no genuine issues of material fact in dispute which preclude granting Summary Decision.

I. LEGAL STANDARD

47 CFR §1.251(a)(1) states in relevant part:

Any party to an adjudicatory proceeding may move for summary decision of all or any of the issues set for hearing. The party filing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is no genuine issue of material fact for determination at the hearing.

FRCP 56(c), while not controlling on this tribunal, clearly lays out a persuasive standard to be applied in this case for a Motion for Summary Decision under 47 CFR §1.251. Federal Rule of Civil Procedure, 56(c), states that summary judgment is proper:

. . . if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

The legal standard for a grant of Summary Judgment under Federal Rule of Civil Procedure 56(c) was laid out by the Supreme Court in *Celotex v. Catrett* 477 U.S. 317, 106 S.Ct. 2548 (1986), wherein the Court stated:

Under Rule 56(c), summary judgment is proper "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." In our view, the plain language of Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial. In such a situation, there can be "no genuine issue as to any material fact," since a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial. The moving party is "entitled to a judgment as a matter of law" because the nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.

Of course, a party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any," which it believes demonstrate the absence of a genuine issue of material fact.

Summary judgment procedure is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed 'to secure the just, speedy and inexpensive determination of every action'."

Celotex v. Catrett, 477 U.S. 317, 321, 106 S.Ct. 2548 (1986)

II. FACTS

Resort filed its present Unicom application on October 10, 2001. On October 10, 2001, there were several service organizations located on the Coeur d'Alene Airport, including Action Flying Services, Big Country Helicopters, Resort Aviation Services, Inc., South Field Fuel, Heli-Prop Aircraft Inc., Aero Care and Repair, Panhandle Helicopters and Aerostar, as well as others. (See attached Affidavit of Greg Delavan).

In its responses to Kootenai's Request for production number 5 (true and accurate copies of which are attached to the affidavit of John A. Cafferty filed in Support of Kootenai's Motion for Summary Decision) which states:

REQUEST FOR PRODUCTION NO. 5: Please produce copies of each and every Unicom license application applied for by Resort Aviation Services, Inc. relating to the Unicom license at the Coeur d'Alene Airport, in Kootenai County, Idaho.

Resort Stated:

Response to No. 5. *The only application is in this case. A copy is produced.*

In the attached response to Request for Production Resort includes its application (though it either did not file or failed to include the required Schedule G to Form 601) and copies of letters dated September 28, 2001, to Kootenai and Southfield Fuel Inc. There are no letters to any of the other aviation service organizations on the airport.

Kootenai also requested:

REQUEST FOR PRODUCTION NO. 6: *Please produce copies of any and all written correspondence to any entity (including but not limited to the Coeur d'Alene Airport) generated by Resort Aviation Services, Inc. pertaining to the use of the FCC Unicom license.*

Resort responded:

Response to No. 6. Copies are attached.

In the attached copies there are no letters to any of the aviation service organizations on the airport.

47 CFR §87.215(d) requires that an applicant for a Unicom license, renewal or modification must notify in writing the owner of the airport and all aviation service organizations located on the airport, if the airport does not have an RCO. Sub (d) goes on to state that the applicant must certify upon application [Form 601 Schedule G] that either notice has been given and include the date of notification, or notice is not required because the applicant owns the airport and there are no organizations that should be notified.

47 CFR §87.5 defines aviation service organization as:

Any business firm which maintains facilities at an airport for the purpose of one or more of the following general aviation activities: (a) Aircraft fueling; (b) aircraft services (e.g. parking, storage, tie-downs); (c) aircraft maintenance or sales; (d) electronics equipment maintenance or sales; (e) aircraft rental, air taxi service or flight instructions; and (f) baggage and cargo handling, and other passenger or freight services.

III. DISCUSSION

In addition to Southfield Fuel the following service organizations are located at the Coeur d'Alene Airport: Action Flying Services, Big Country Helicopters, Business Aviation, and Aero Care and Repair. There has been no proof provided that any of the above was ever given the requisite notice. As a matter of fact Action Aviation never received notice (see attached Affidavit of Hans Dyroy) nor did Panhandle Helicopter (see attached Affidavit of Jon Hubof).

On October 10, 2001, Resort Aviation Services, Inc. (hereafter "Resort") filed its application for renewal of the Unicom frequency, frequency 122.80, at the Coeur d'Alene Airport. There is no dispute as to whether or not Resort gave notice in writing of its application for renewal of the Unicom License, WYT9, as required by the FCC Rules to all aviation service organizations located at the airport, they did not.

It is uncontroverted that Resort failed to give notice of its application to anyone but Kootenai and Southfield Fuel on September. While Kootenai disputes whether or not Kootenai was in fact given notice, that disputed fact does not preclude summary disposition of this case.

Prior to November 22, 2002, it was the position of Resort that there was not an RCO located at the Coeur d'Alene Airport; see Interrogatory No. 20 and Resort's response:

INTERROGATORY NO. 20: Please state the radio frequency for the Unicom license at the Coeur d'Alene Airport presently held by Resort Aviation Services, Inc. Aviation Services, Inc. (sic).

ANSWER TO INTERROGATORY NO. 20: ... Recently, through interrogatories (sic) answers from the Airport, we found out there is an RCO on the field. ...

Clearly Resort had a duty, imposed by 47 CFR §87.215(d) and FCC form 601 Schedule G to inform the above. It was the position of Resort, at the time it filed its application, that there was not an RCO at the Airport. As it turned out after careful consideration by the FCC the RCO at the Coeur d'Alene does not meet the requirements necessary for the RCO to be recognized, since it operates based upon information from Boise Flight Service. As Resort was working under the premise that the Coeur d'Alene Airport did not have an RCO, and due to the fact that the FCC does not recognize the RCO, Resort should not now be heard to argue that there was/is an RCO at the Coeur d'Alene Airport which absolves them of their duty to comply with the requirements of 47 CFR §87.215(d).


Resort was required to give notice to all aviation service organizations as a condition precedent to its applying for the Unicom. It is undisputed that Resort failed to give the requisite notice. As there is no material factual issue in dispute as to whether or not Resort gave the requisite notice Summary Decision is proper in this case.

IV. CONCLUSION

It is undisputed that Resort did not notify all of the aviation service organizations located on the Coeur d'Alene Airport, as required by 47 CFR §87.215(d). Since Resort did not comply with the requisite pre-application notifications, Resorts application should be dismissed for noncompliance.

For the reasons articulated above Kootenai respectfully requests that it's Motion for Summary Decision be granted, that Resort's application be dismissed for noncompliance, and that Kootenai, as the only proper applicant be granted the Unicom license for the Coeur d'Alene Airport.

DATED this 9 day of January, 2003.



John A. Cafferty
Attorney at Law for Kootenai County
Coeur d'Alene Airport
P. O. Box 9000/LS
Coeur d'Alene, ID 83816-9000
FAX (208) 446-1621

CERTIFICATE OF SERVICE

I HEREBY certify that on this 9 day of January, 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

☐ U.S. Mail
☐ HAND DELIVERED
☐ OVERNIGHT MAIL
☒ TELEFAX (FAX)

SCOTT REED
ATTORNEY AT LAW
P. O. BOX A
COEUR D'ALENE, ID 83816
FAX: (208) 765-5117

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DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION FEDERAL
COMMUNICATIONS COMMISSION
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WASHINGTON, D. C. 20554
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ADMINISTRATIVE LAW JUDGE ARTHUR I. STEINBERG
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, S.W., ROOM 1-C861
WASHINGTON, D.C. 20054
FAX (202) 418-0195

By:


John A. Cafferty
Attorney for Kootenai County Coeur d'Alene Airport

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES,)	
INC.)	
)	
)	
For Renewal of Aeronautical Advisory	)	AFFIDAVIT OF
	)	JOHN A. CAFFERTY
Station WYT9, Coeur d'Alene Airport,	)	IN SUPPORT OF MOTION
Hayden, Idaho	)	FOR SUMMARY DECISION
)	
and)	
)	
KOOTENAI COUNTY)	
COEUR D'ALENE AIRPORT,)	
)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

STATE OF IDAHO)
County of Kootenai)

John A. Cafferty, being first duly sworn under oath deposes and says:

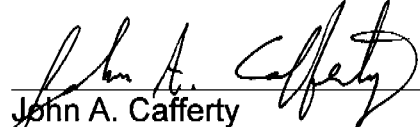
1. I am over the age of 18 years, I make this affidavit voluntarily, and I am competent to testify concerning the matters stated herein based upon my personal knowledge.
2. I am the attorney of record for Kootenai County in the pending matter before the FCC and am competent to testify to the matters set forth herein.

3. Attached hereto are true and correct copies of the following:

- A. Responses to Requests for Production for Documents from Resort Aviation Service Inc., response numbers 5 and 6;
- B. Interrogatory No. 20 and Answer thereto;
- C. Affidavit of Hans Dryoy of Action Flying Service;
- D. Affidavit of Jon Hubof of Panhandle Helicopters;
- E. Affidavit of Greg Delavan, Manager of Coeur d'Alene Airport.
- F. True and accurate copies of pages from the "Coeur d'Alene Local Pages," a telephone director of the greater Coeur d'Alene area;
- G. True and accurate copies of pages from the "Hagadone Directory" a telephone Directory of the greater Coeur d'Alene area;

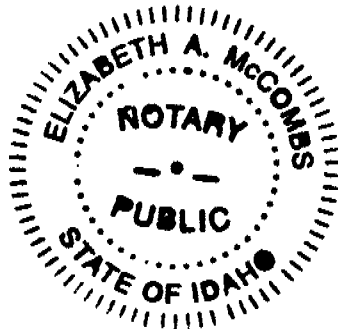
4. Further your Affiant sayeth not.

Dated this 9 day of January, 2003.



John A. Cafferty
Attorney for Kootenai County
Coeur d'Alene Airport
P. O. Box 9000/LS
Coeur d'Alene, ID 83854

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho, this 9th day of January, 2003.



Elizabeth A. McCombs

Notary Public for the State of Idaho

Residing at: Post Falls

Commission Expires: 12-26-06

CERTIFICATE OF SERVICE

I HEREBY certify that on this 9 day of January, 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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- ☐ OVERNIGHT MAIL
- ☒ TELEFAX (FAX)

SCOTT REED
ATTORNEY AT LAW
P. O. BOX A
COEUR D'ALENE, ID 83816
FAX: (208) 765-5117

- ☐ U.S. Mail
- ☐ HAND DELIVERED
- ☐ OVERNIGHT MAIL
- ☒ TELEFAX (FAX)

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION FEDERAL
COMMUNICATIONS COMMISSION
445 12TH STREET S. W. - ROOM 3-B443
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ADMINISTRATIVE LAW JUDGE ARTHUR I. STEINBERG
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, S.W., ROOM 1-C861
WASHINGTON, D.C. 20054
FAX (202) 418-0195

By: 
John A. Cafferty
Attorney for Kootenai County Coeur d'Alene Airport

ORIGINAL

Scott W. Reed, ISB #
 Attorney at Law
 P. O. Box A
 Coeur d'Alene, ID 83816
 Phone: 208-664-2161
 Fax: 208-765-5117

Attorney for Resort Aviation
 Services, Inc.

Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES,)	
INC.	)	REQUESTS FOR PRODUCTION
	)	OF KOOTENAI COUNTY,
	)	COEUR D'ALENE AIRPORT,
	)	KOOTENAI COUNTY, IDAHO, TO
	)	RESORT AVIATION SERVICES, INC.
	)	AND RESPONSES THERETO
For Renewal of Aeronautical Advisory)	
Station WYT9, Coeur d'Alene Airport,)	
Hayden, Idaho)	
)	
and)	
)	
KOOTENAI COUNTY)	
COEUR D'ALENE AIRPORT,)	
)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

Resort Aviation Services, Inc. responds to the requests for production of Kootenai
 County Coeur d'Alene Airport as follows:

EXHIBIT A

Page 1 of 3

REQUEST FOR PRODUCTION NO. 5: Please produce copies of each and every Unicom license application applied for by Resort Aviation Services, Inc. relating to the Unicom license at the Coeur d'Alene Airport, in Kootenai County, Idaho.

RESPONSE TO NO. 5. The only application is in this case. A copy is produced. Resort Aviation Services, Inc. acquired the Unicom license with the purchase of Empire Airlines property.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of any and all written correspondence to any entity (including but not limited to the Coeur d'Alene Airport) generated by Resort Aviation Services, Inc. pertaining to the use of the FCC Unicom license.

RESPONSE TO NO. 6. Copies are produced. There will be overlap between the documents produced in response to No. 6 and the documents produced in response to No. 7 since "complaints" and rebuttals also fall under this heading. Only one set of copies will be produced.

REQUEST FOR PRODUCTION NO. 7: Please produce copies of any and all written complaints directed to Resort Aviation Services, Inc. pertaining to its administration of the FCC Unicom license.

RESPONSE TO NO. 7. Copies are produced. See also response to No. 6.

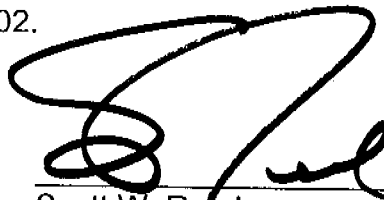
REQUEST FOR PRODUCTION NO. 8: Please produce copies of the written job descriptions for all Resort Aviation Services, Inc. employees who deal with the administration of the FCC Unicom license.

EXHIBIT A

Page 2 of 3

RESPONSE TO NO. 8. There are no written job descriptions. The employees who deal with the Unicom all receive the same training as set forth in the documents produced above.

DATED this 21st day of November, 2002.



Scott W. Reed
Attorney for Resort Aviation Services, Inc.
P. O. Box A
Coeur d'Alene, Idaho 83816
(208) 664-2161
Fax: (208) 765-5117

CERTIFICATE OF SERVICE

I HEREBY certify that a copy of the foregoing was mailed, first class mail, postage prepaid, this 22nd day of November, 2002 to:

JOHN CAFFERTY, ESQ.
KOOTENAI COUNTY DEPT. OF
LEGAL SERVICES
451 GOVERNMENT WAY
P. O. BOX 9000
COEUR D'ALENE, IDAHO 88316-9000

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET SW - ROOM 3-b443
WASHINGTON, D.C. 20554
FAX (202) 418-2644

EXHIBIT A

Page 3 of 3

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES,)	
INC.	)	INTERROGATORIES TO RESORT
	)	AVIATION SERVICES, INC. AND
	)	ANSWERS THERETO
)	
For Renewal of Aeronautical Advisory)	
Station WYT9, Coeur d'Alene Airport,)	
Hayden, Idaho)	
)	
and)	
)	
KOOTENAI COUNTY)	
COEUR D'ALENE AIRPORT,)	
)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

Resort Aviation Services, Inc. answers the interrogatories of Kootenai County
Coeur d'Alene Airport as follows:

INTERROGATORY NO. 1: Please provide the following information concerning
Resort Aviation Inc:

- (a) The date of incorporation.
- (b) All officers, directors, and members of the corporation with complete names,
addresses and telephone numbers.

ANSWER TO INTERROGATORY NO. 1.

a. March 28, 1988

EXHIBIT B

Page 1 of 3

INTERROGATORY NO. 20: Please state the radio frequency for the Unicom license at the Coeur d'Alene Airport presently held by Resort Aviation Services, Inc. Aviation Services, Inc.

ANSWER TO INTERROGATORY NO. 20:

The frequency used by Empire, and approved by the FCC, and which is published in the FAA Airport Facilities Directory, NOS Sectionals, Jeppessen, IFR approach charts, and Airport Facilities guide.

The frequency we are using, 122.8 was inherited from Empire Airlines, a copy of transfer of name-change was given to the Airport office. Who provided no objection, and the said frequency was approved by the FCC. We have continued to use this frequency.

Greg Delavan in his application, also listed 122.8 as the Unicom frequency.

Recently, through interrogatories answers from the Airport, we found out there is an RCO on the field. The Airport did not advise Resort. The government airguide publications do not reflect an RCO. We would be happy to change the frequency if required by the FCC.
(see attached #20)

INTERROGATORY NO. 21: Please state the radio frequency for the common traffic advisory function (CTAF) at the Coeur d'Alene Airport in Kootenai County, Idaho.

ANSWER TO INTERROGATORY NO. 21: See answer to #21.

INTERROGATORY NO. 22: Please state in your own words what you perceive to be the duties of the Unicom license holder.

ANSWER TO NO. 22.

To provide advisory service upon request and without discrimination and impartial to all available ground service. To provide information to the safe operation of aircraft: condition of runways, types of fuel available, wind conditions, weather, dispatching, and other necessities. To communicate with utility vehicles concerning runway conditions and Safety hazards on the airport.

ANSWER TO INTERROGATORY NO. 30. To the best of our knowledge, no.

Dated this 22nd day of November, 2002.



Scott W. Reed
Attorney for Resort Aviation Services, Inc.
P. O. Box A
Coeur d'Alene, Idaho 83816
(208) 664-2161
Fax: (208) 765-5117

CERTIFICATE OF SERVICE

I HEREBY certify that a copy of the foregoing was mailed, first class mail, postage prepaid, this 22nd day of November, 2002 to:

JOHN CAFFERTY, ESQ.
KOOTENAI COUNTY DEPT. OF
LEGAL SERVICES
451 GOVERNMENT WAY
P. O. BOX 9000
COEUR D'ALENE, IDAHO 88316-9000

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET SW - ROOM 3-b443
WASHINGTON, D.C. 20554

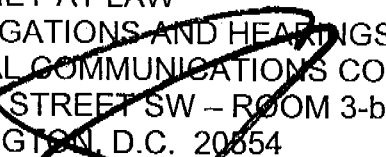


EXHIBIT B

Page 3 -19 of 3

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES,)	
INC.)	
)	
)	
	)	AFFIDAVIT OF
	)	HANS DYROY
For Renewal of Aeronautical Advisory	)	IN SUPPORT OF
Station WYT9, Coeur d'Alene Airport,	)	MOTION FOR
Hayden, Idaho	)	SUMMARY DECISION
)	
and)	
)	
KOOTENAI COUNTY)	
COEUR D'ALENE AIRPORT,)	
)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

STATE OF IDAHO)
County of Kootenai)

EXHIBIT e
Page 1 of 2

Hans Dyroy, being first duly sworn under oath deposes and says:

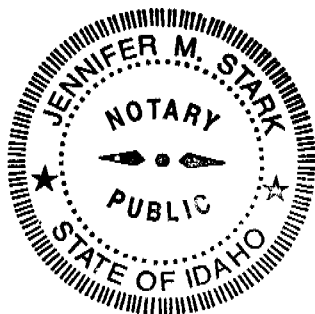
1. I am over the age of 18 years, I make this affidavit voluntarily, and I am competent to testify concerning the matters stated herein based upon my personal knowledge.
2. I am the owner of Action Flying Services at the Coeur d'Alene Airport, and have been since before 2001.
3. Action Flying Services is an aviation service organization located at the Coeur d'Alene Airport and provides aircraft rental and flight instruction.

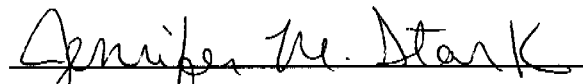
4. In the course of my normal daily routine I oversee the mail and perform filing functions as well as miscellaneous office functions. In September of 2001, I also performed these tasks.
5. I had never received a letter from Resort Aviation Services, Inc. informing Action Flying Services that Resort Aviation Services, Inc. is applying for the Unicom license at the Coeur d'Alene Airport.
6. Further your Affiant sayeth not.

Dated this 9 day of January, 2003.


Hans Dyroy

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho, this 9th day of January, 2003.




Notary Public for the State of Idaho
Residing at: Coeur d'Alene, ID
Commission Expires: 11/1/05

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of)
RESORT AVIATION SERVICES,)
INC.)

WT DOCKET NO. 02-179

For Renewal of Aeronautical Advisory)
Station WYT9, Coeur d'Alene Airport,)
Hayden, Idaho)

**AFFIDAVIT OF
JON HUBOF
IN SUPPORT OF
MOTION FOR SUMMARY
DECISION**

and)

KOOTENAI COUNTY)
COEUR D'ALENE AIRPORT,)

For a New Aeronautical Advisory)
Station at Coeur d'Alene Airport,)
Hayden, Idaho)

STATE OF IDAHO)
County of Kootenai)

Jon Hubof, being first duly sworn under oath deposes and says:

1. I am over the age of 18 years, I make this affidavit voluntarily, and I am competent to testify concerning the matters stated herein based upon my personal knowledge.
2. I am the owner of Panhandle Helicopters at the Coeur d'Alene Airport, and have been since before 2001.

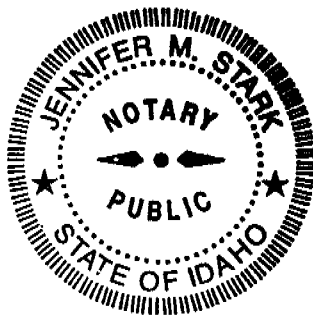
EXHIBIT D
Page 1 of 2

3. Panhandle Helicopters is an aviation service organization located at the Coeur d'Alene Airport which provides air taxi services.
4. In the course of my normal daily routine I receive the mail and perform filing functions as well as miscellaneous office functions. In September of 2001, I also performed these tasks.
5. I have never received a letter from Resort Aviation Services, Inc. informing Panhandle Helicopters that Resort Aviation Services, Inc. is applying for the Unicom license at the Coeur d'Alene Airport.
6. Further your Affiant sayeth not.

Dated this 7th day of January, 2003.

Jon Hubof
Jon Hubof

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho, this 9th day of January, 2003.



Jennifer M. Stark
Notary Public for the State of Idaho
Residing at: Coeur d'Alene, ID
Commission Expires: 11/1/05

EXHIBIT D
Page 2 of 2

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Applications of	)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES,)	
INC.)	
)	
	)	AFFIDAVIT OF
For Renewal of Aeronautical Advisory	)	GREG DELAVAN
Station WYT9, Coeur d'Alene Airport,	)	IN SUPPORT OF
Hayden, Idaho	)	MOTION FOR
	)	SUMMARY DECISION
and)	
)	
KOOTENAI COUNTY)	
COEUR D'ALENE AIRPORT,)	
)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

STATE OF IDAHO)
County of Kootenai)

Greg Delavan, being first duly sworn under oath deposes and says:


1. I am over the age of 18 years, I make this affidavit voluntarily, and I am competent to testify concerning the matters stated herein based upon my personal knowledge.
2. I am presently employed by Kootenai County at the Coeur d'Alene Airport as the Airport Manager, and have been since 1994.

EXHIBIT E
Page 1 of 2

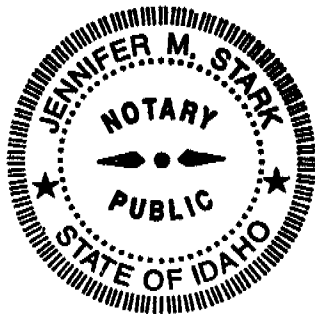
3. As of September 2001 the following service organizations were located on the Coeur d'Alene Airport: Action Flying Services, Big Country Helicopters, Resort Aviation Services, Inc., South Field Fuel, Heli-Prop Aircraft Inc., Aero Care and Repair, Panhandle Helicopters and Aerostar, as well as others.

4. Further your Affiant sayeth not.

Dated this 9th day of January, 2003.


Greg Delavan

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho, this 9th day of January, 2003.



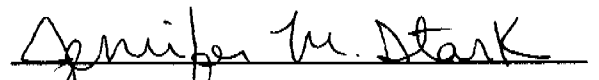

Notary Public for the State of Idaho
Residing at: Coeur d'Alene, ID
Commission Expires: 11/1/05

EXHIBIT E
Page 2 of 2

A**Air Conditioning-
Contractors (Cont'd)**

- OLD Plumbing**
16424 W. 1st Ave. Coeur d'Alene 772-3263
- Coeur d'Alene Custom Sheet Metal & Heating Inc.**
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- Coeur d'Alene Heating Air Conditioning
Fireplace Stove & Sprinkler**
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- D & D Heating Air Conditioning & Sheet Metal Inc.**
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Post Falls 773-7625
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1747 Govt Wy. Dalton Gardens 762-5658
- Hayden Heating & Air Conditioning**
Hayden Lake 772-5466
- High Tech Heating And Cooling**
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- J.B. Heating & Sheet Metal Inc.**
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- Johnson Heating & Air Conditioning**
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- Meunier Gary J. Post Falls**
457-0983
- Norco Heating & Air Conditioning**
Coeur d'Alene 664-0803
- Parrott Mechanical Inc.**
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- Sasser Martin & Chun's Sprinkler**
623-5795
- Shater's Heating & Cooling Inc.**
283 W. Dakota Ave. Hayden Lake 772-2815
- Silver Lake Heating & Air**
Coeur d'Alene 762-0233

**Air Conditioning Equip-
Room Units-Sales & Service**

- Comfort Heating & Air Inc.**
PO Box 2092 Post Falls 773-9928

Air Duct Cleaning

- See**
Restaurant Equipment Repair & Service
Restaurant Hood & Duct Cleaning

Air Filters

- See**
Filters-Air & Gas

**Aircraft-Charter, Rent &
Lease**

- Action Flying Service**
1405 Airport Dr. Hayden Lake 762-2511
- Big Country Helicopters**
2814 Locust Coeur d'Alene 765-0624
- Brooks Seaplane Service**
Coeur d'Alene 664-2811
- Business Aviation Inc.**
11801 Airport Dr. Hayden Lake 772-0927
- Panhandle Helicopter Inc.**
Post Falls 773-9811
- Resort Aviation Services Inc.**
11101 Airport Dr. Hayden Lake 772-3711

Aircraft Components-Mfrs

- Motion Technologies Inc.**
6905 Clearwater Ln. Post Falls 773-6011

Aircraft Parts & Supplies

- Heli-Prop Aircraft Inc.**
2625 W. Sensor Wy. Hayden Lake 772-6411
- Meson Research & Development**
2775 W. 20th Ave. Post Falls 773-7111

Aircraft Schools

- Action Flying Service**
1405 Airport Dr. Hayden Lake 762-2511
- Resort Aviation Services Inc.**
11101 Airport Dr. Hayden Lake 772-3711

**Aircraft Service,
Maintenance & Painting**

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762-4981
- Aircraft Service Center Inc.**
Hayden Lake 683-2611
- Heli-Prop Aircraft Inc.**
2625 W. Sensor Wy. Hayden Lake 772-6411
- Resort Aviation Services Inc.**
11101 Airport Dr. Hayden Lake 772-3711
- Southfield Fuel Inc.**
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EXHIBIT

Page 1 of 1

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Over Hwy Sdpt. 265-2654

Oreille Mechanical

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(CONTINUED NEXT LISTING PAGE)

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